

**DURHAM, NORTH CAROLINA
TUESDAY, SEPTEMBER 4, 2001
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Absent: None.

Also present: City Manager Marcia L. Conner, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Tennyson called the meeting to order and at that time City Clerk D. Ann Gray swore in Carolyn M. Davis as a member of the Human Relations Commission and Michael W. Shiflet as a member of the Housing Appeals Board.

Mayor Tennyson recognized the boy scouts from Troop 461.

Mayor Tennyson, Council Member Langley and Mayor Pro Tempore Clement made comments about the Community Response Forum on Gang Violence held August 30, 2001. It was announced that there would be two additional forums scheduled for September 27 and October 25, 2001.

Council Member Langley announced that she attended the auction and celebrity basketball game sponsored by Duke University.

Council Member Wagstaff reminded her colleagues to attend the Neighborhood Summit scheduled for September 15 at the Armory.

Mayor Tennyson asked for priority items from the City Manager, City Attorney and City Clerk. Relative to Consent Agenda Item #9 [CALENDAR YEAR 2002 BENEFITS RECOMMENDATIONS], City Manager Marcia Conner urged Council to delay the 70% City/30% employee cost for share dependent care until next year as a part of the comprehensive review of all benefits--[ITEM WAS PULLED]

Also, City Manager Conner requested that Council defer taking action on GBA Item #4 [ZONING ORDINANCE TEXT AMENDMENT REGARDING HIGH DENSITY RESIDENTIAL DEVELOPMENT IN COMPACT NEIGHBORHOODS (TC 121-01)] until the September 17, 2001 City Council Meeting.

Further, the City Manager Conner requested a closed session after the regular meeting of Council to discuss a personnel matter.

SUBJECT: CLOSED SESSION - PERSONNEL/SETTLEMENT MATTER

MOTION by Mayor Pro Tempore Clement seconded by Council Member Langley to go into closed session after the regular meeting of Council to discuss a personnel/settlement matter was approved at 7:10 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek,

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Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Finally, City Manager Conner requested that the following item be added to the agenda: Request For Authority to Increase Hotel/Motel (Occupancy) tax with a recommendation that the City move forward to the legislature asking for the authority to raise that tax from 5% to 6%.

SUBJECT: REQUEST FOR AUTHORITY TO INCREASE HOTEL/MOTEL (OCCUPANCY) TAX

MOTION by Council Member McKissick seconded by Mayor Pro Tempore Clement to add this item to the agenda was approved at 7:10 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

No priority items from the City Attorney and City Clerk.

Mayor Tennyson noted revisions to the Consent Agenda made at the Committee-of-the-Whole Meeting. Mayor Tennyson asked if any citizen(s) or council member(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting.

In relation to Consent Agenda Item #14 [WATER AND SEWER EXTENSION AGREEMENT WITH REAL ESTATE ASSOCIATES, INC. - VILLAGE CREEK COMMONS], Council Member Cheek disclosed that he has represented Real Estate Associates from time to time in litigation matters, but has no financial interest in this matter.

Relative to Consent Agenda Item #10 [MANAGED COMPETITION/GAINSHARING COMMITTEES], Council Member Stith requested that there be a union representative appointed to these committees.

City Manager Marcia Conner noted for clarification that there would be employee representation.

Council Member McKissick asked if there would be members of the public in qualified professional fields that would be designated.

Mayor Tennyson noted by changing it from specific slots, we open up the possibly for at-large appointees.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to approve the Consent Agenda as amended was approved at 7:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

[CONSENT AGENDA]

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SUBJECT: USE OF CONTROLLED SUBSTANCE ABUSE FUNDS

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to authorize the use of Controlled Substance Abuse funds in an amount not to exceed \$123,391 to purchase equipment vital to daily police operations was approved at 7:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: GOVERNOR'S CRIME COMMISSION GRANT TO FUND 'PARENTS AGAINST GANGS' INITIATIVE

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt the "City of Durham North Carolina and Governor's Crime Commission 'Parents Against Gangs' Grant Project Ordinance" was approved at 7:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #12375

SUBJECT: SETTING PUBLIC HEARING DATE ON 2000-2001 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) DRAFT

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to set a public hearing on Monday, September 17, 2001 to receive citizens' comments on the previous year's Community Development Block Grant (CDBG) and City-County HOME Consortium Investment Partnership programs detailed in the draft Consolidated Annual Performance and Evaluation Report (CAPER) was approved at 7:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: REPORT ON CITY OWNED PROPERTIES

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to: 1) declare the attached list of properties surplus; 2) authorize the sale of the surplus properties under Chapter 86 of the City Charter, the upset or sealed bid methods, as may be appropriate for the individual property, with a report to the City Council before finalizing each sale; 3) authorize the disposition of properties deemed to have no market value for the cost of the deed preparation and recording fee; 4) authorize the payment of a 3% commission on the sale of any residential property or a 5% commission on the sale of any commercial property to any North Carolina licensed real estate broker who represents the successful purchaser; and 5) authorize 4:30 p.m. Wednesday, prior to the Committee-of-the-Whole, as the deadline for receiving offers to purchase was approved at 7:13 p.m. by the following vote:

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Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: ORDINANCE ESTABLISHING FAIR HOUSING COMPLIANCE GRANT FUNDING FOR FISCAL YEAR 2000-01

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt the "City of Durham Grant Project Ordinance HUD Fair Housing Compliance Funding for FY 2000-01" was approved at 7:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #12376

SUBJECT: ORDINANCE ESTABLISHING GRANT FUNDING FOR EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE (EEOC) FOR FISCAL YEAR 2000-01

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt the "City of Durham Grant Project Ordinance US EEOC Case Processing for FY 2000--01" was approved at 7:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #12377

SUBJECT: FISCAL YEAR 2001-02 BUDGET ORDINANCE AMENDMENT #3 - HUMAN RELATIONS FUNDING

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to "An Ordinance Amending the FY 2001-02 City of Durham Budget Ordinance, the Same Being Ordinance 12336" to move funding from the General Fund for the Human Relations Department's US HUD Fair Housing (\$40,000) and US EEOC activities (\$60,000) to separate Grant Project Ordinances was approved at 7:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #12378

SUBJECT: MANAGED COMPETITION/GAINSHARING COMMITTEES

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt a "Resolution by the City Council of the City of Durham Regarding the Establishment of a Managed Competition

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Committee" was approved at 7:13 p.m. by the following vote:
Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Resolution #8797

SUBJECT: IMPACT FEE ORDINANCE AMENDMENTS

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt "An Ordinance Amending Chapter 25 of the Durham City Code Related to Street Impact Fees" was approved at 7:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #12380

SUBJECT: DURHAM HISTORIC PRESERVATION COMMISSION - RE-APPOINTMENT

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to re-appoint Beth K. Mulvaney, At-Large Member, to the Durham Historic Preservation Commission--term will expire September 1, 2004 was approved at 7:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: SITE PLAN APPROVAL - DURHAM MEMORIAL BAPTIST CHURCH

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to approve a site plan for Durham Memorial Baptist Church, submitted by R. L. Horvath Associates on behalf of Durham Memorial Church, consisting of a 16,492 square foot expansion to an existing place of worship and the addition of a private school for 90 students in the existing church buildings, on a tract totaling 4.27 acres, zoned R-8 Residential and F/J-B and located at the northeast corner of Highway 98 and North Adams Street (Tax Map #378-02-003, 004, 005, 013; PIN #0841-10-35-8089; #0841-10-45-3065, 1005, 1135; City Atlas Page 31, B-4) was approved at 7:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH REAL ESTATE ASSOCIATES, INC. - VILLAGE CREEK COMMONS

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to authorize the City Manager to enter into a Water and Sewer Extension Agreement with Real Estate Associates, Inc. to

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serve Village Creek Commons, a 45-acre office and commercial development located on the north side of US 70, 4,000 feet east of Sherron Road was approved at 7:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: LICENSE AGREEMENT WITH PETULA PROLIX DEVELOPMENT COMPANY
- SLATER ROAD**

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to authorize the City Manager to enter into a License Agreement with Petula Prolix Development Company for irrigation, appurtenances and landscaping located in the right of way of Slater Road was approved at 7:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: REMOVAL OF PORTIONS OF SLATER ROAD AND EMPEROR BOULEVARD
FROM THE MUNICIPAL STREET SYSTEM**

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt a resolution authorizing the removal of portions of Slater Road and Emperor Boulevard from the Municipal Street System and their addition to the State Highway System was approved at 7:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Resolution #8798

SUBJECT: TRIANGLE WASTEWATER TREATMENT PLANT

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to receive a report from the Administration concerning the Triangle Wastewater Treatment Plant; and

To direct the City Manager to communicate with Durham County concerning sewer service as outlined in the memo was approved at 7:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: RESOLUTION MEMORIALIZING JOHN PERCY "JACK" BOND, III

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to direct the City Clerk to draft a resolution memorializing John Percy "Jack" Bond, III was approved at 7:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro

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Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: RESOLUTION HONORING SIDNEY BRODIE

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to direct the City Clerk to draft a resolution honoring Sidney Brodie for his work with the *Stop the Violence Tour of the Nation* program was approved at 7:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: NO PARKING - COLFAX STREET

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance authorizing a no parking zone on the west side of Colfax Street beginning at the south curb line of Lincoln Street, if extended, and extending southward for a length of 115 feet was approved at 7:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #12381

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - DUPREE STREET

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance authorizing a speed limit of 25 mph on Dupree Street from Alston Avenue to Fayetteville Street was approved at 7:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #12382

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - FAUCETTE AVENUE AND MIDLAND TERRACE EXTENSION

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance authorizing a speed limit of 25 mph at the following locations was approved at 7:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

- 1) On Faucette Avenue from Midland Terrace, east to Midland Terrace Extension, and

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- 2) On Midland Terrace Extension from Amberly Drive, east to Clifford Drive.

Ordinance #12383

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - FITZGERALD STREET AND NELSON STREET

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance authorizing a speed limit of 25 mph at the following locations was approved at 7:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

- 1) On Fitzgerald Street from Nelson Street to end of City maintenance, and
- 2) On Nelson Street from Fayetteville Street to Cecil Street.

Ordinance #12384

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - HIGHLAND AVENUE

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance authorizing a speed limit of 25 mph on Highland Avenue from Club Boulevard to Maynard Avenue was approved at 7:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #12385

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - PLUM STREET

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance authorizing a speed limit of 25 mph on Plum Street from Lawson Street, south to end of City maintenance was approved at 7:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #12386

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - SEVEN OAKS ROAD

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance authorizing a speed limit of 25 mph on Seven Oaks Road from Roxboro Street to Whippoorwill Street was approved at 7:13 p.m. by the following vote: Ayes: Mayor

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Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #12387

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - WOODBERRY DRIVE

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance authorizing a speed limit of 25 mph on Woodberry Drive from the cul-de-sac north of Crown Hill Drive, south to the end of City maintenance was approved at 7:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #12388

SUBJECT: STOP SIGNS - AUBURN SUBDIVISION

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

- 1) Mallory Lane (private) at Pebble Creek Crossing, southwest corner, and
- 2) Crimson Drive (private) at Auburn Village Drive, northwest corner.

Ordinance #12389

SUBJECT: STOP SIGN - BRUCE STREET

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance authorizing the installation of a stop sign on Bruce Street at Owen Street, southeast corner was approved at 7:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #12390

SUBJECT: STOP SIGN - ECHO ROAD

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance authorizing the installation of a

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stop sign on Echo Road at High Street, northwest corner was approved at 7:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #12391

SUBJECT: STOP SIGNS - RATCALE LANE AND WEBB CIRCLE

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

- 1) Ratcale Lane at Shirley Street, southeast corner, and
- 2) Webb Circle at Shirley Street, southeast corner.

Ordinance #12392

SUBJECT: STOP SIGN - RUBY RIDGE ROAD

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance authorizing the installation of a stop sign on Ruby Ridge Road at Wedgedale Avenue, southeast corner was approved at 7:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #12393

SUBJECT: STOP SIGNS - WASHINGTON STREET

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance authorizing the installation of stop signs on Washington Street at Trinity Avenue, northwest and southwest corners was approved at 7:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Note: Council reconsidered this item later in the meeting.

[GENERAL BUSINESS AGENDA]

[PUBLIC HEARINGS]

SUBJECT: SEWER MAIN - THUNDER ROAD FROM NOVEMBER DRIVE TO

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NOVEMBER DRIVE (MINI ASSESSMENT ROLL)

a. Stephen J. and Ada M. Parrillo

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to find that the property of Stephen J. and Ada M. Parrillo, identified as Tax Map #809-6-15, 2342 Thunder Road, Lot 1, Section Two, Placid Valley, has benefited from the sewer main improvement and to confirm the assessment in the amount of \$3,939.60 was approved at 7:14 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

b. Raymond D. and Vivian S. Pearson

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to find that the property of Raymond D. and Vivian S. Pearson, identified as Tax Map #809-7-3, 2327 Thunder Road, Lot 3, Section Two, Placid Valley, has benefited from the sewer main improvement and to confirm the assessment in the amount of \$5,581.10 was approved at 7:14 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

c. Sims L. and Barbara H. Roy, Jr.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to find that the property of Sims L. and Barbara H. Roy, Jr., identified as Tax Map #809-7-5, 2313 Thunder Road, Lot 5, Section Two, Placid Valley, has benefited from the sewer main improvement and to confirm the assessment in the amount of \$6,401.85 was approved at 7:14 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: SEWER MAIN - NOVEMBER DRIVE FROM DAWN TRAIL TO THUNDER ROAD (MINI ASSESSMENT ROAD)

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a. Property of Taylor J. and Roxanne M. Schock

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to find that the property of Taylor J. and Roxanne M. Schock, identified as Tax Map #809-8-19, 409 November Drive, Lot 2, Section Three, Placid Valley, has benefited from the sewer main improvement and to confirm the assessment in the amount of \$8,004.67 (partial relief granted in accordance with City Policy) was approved at 7:14 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

b. Property of Deward V. and Rebecca P. Pepper

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to reconsider the sewer main assessment against property identified below of Deward V. and Rebecca P. Pepper; and

To find that the property of Deward V. and Rebecca P. Pepper, identified as Tax Map #809-5-37, 602 November Drive, Lot 22, Vacant, Section Three, Placid Valley, has benefited from the sewer main improvement and to confirm the assessment in the amount of \$4,118.40 was approved at 7:14 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: SEWER MAIN - CONTINENTAL DRIVE FROM NORTH PROPERTY LINE OF TAX MAP 809-1-12 TO WEST PROPERTY LINE OF TAX MAP 810-1-8 (MINI ASSESSMENT ROLL)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

a. Property of Willowhaven Country Club, Inc.

- 1) **MOTION** by Council Member Larson seconded by Council Member Jacobs to find that the property of Willowhaven Country Club, Inc., identified as Tax Map #809-1-14, Continental Drive, Lot 13, Vacant, has not benefited at this time from the sewer improvement and to relieve the assessment in the amount of

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\$8,050 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property receive sewer service; and

- 2) To find that the property of Willowhaven Country Club, Inc., identified as Tax Map #811-1-16, Continental Drive, Part of Golf Course, Vacant, has not benefited at this time from the sewer improvement and to relieve the assessment in the amount of \$21,413 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property receive sewer service was approved at 7:14 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

b. Property of the State of NC Department of Justice

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to reconsider the assessment against property identified below of the State of NC Department of Justice; and

To find that the property of the State of NC Department of Justice, identified as Tax Map #810-1-1, Continental Drive, Part of Blocks E & G, Vacant, has not benefited at this time from the sewer improvement and to relieve the assessment in the amount of \$23,606.14 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property receive sewer service was approved at 7:14 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: ZONING ORDINANCE TEXT AMENDMENT REGARDING HIGH DENSITY RESIDENTIAL DEVELOPMENT IN COMPACT NEIGHBORHOODS (TC 121-01)

To receive citizens' comments regarding the proposed amendment.

To adopt "An Ordinance Amending Section 4 General Districts of the Durham Zoning Ordinance to Establish New High Density Residential Districts."

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Mike Shiflett, representing the Inter-Neighborhood Council, spoke in support of referring this item back to staff for further review as it relates to density and open space issues.

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John Schelp, representing Old West Durham Neighborhood Association, made comments about a letter sent to Council regarding this matter, noted that the neighborhood association supports high-density development and urged Council to include open space provisions in the high-density text amendment.

Kramer Reeves, of 2503 Green Street, spoke in support of including open space in the high density-zoning category.

Tom Miller, representing the Watts Hospital-Hillandale Neighborhood Association, spoke in favor of the high-density projects but had some reservations. He noted there must be a firmer link between the transit stations, commented on the 60-unit option and spoke in support of open space and urban design plans that should be done for every station area that is approved.

Juanita Shearer-Swink, of Triangle Transit Authority (TTA), commented on action schedule of TTA Board highlighting that the Board at its August meeting set a goal of adopting the locally preferred alternative final design of the project which would include station locations, trash work, yard and shop of November of this year and the next Board meeting is scheduled for November 21, 2001.

Council Member McKissick noted he would like for the TTA Board to make a decision relating to Durham County sites at the earliest point in time.

Council Member Larson noted this matter has been added to the agenda of the Joint City/County Planning Committee scheduled for tomorrow at noon.

MOTION by Council Member Larson seconded by Council Member Langley to continue the public hearing without further advertising until the September 17, 2001 City Council Meeting and to refer this item to the Joint City/County Planning Committee was approved at 7:26 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Zoning Committee's Recommendation: (See details in memorandum)

[ITEMS PULLED FROM CONSENT AGENDA]

SUBJECT: WEED AND SEED STRATEGY FISCAL YEAR 2002

MOTION by Council Member Wagstaff seconded by Mayor Pro Tempore Clement to adopt a "Grant Project Ordinance FY 2001-2002 U.S. Department of Justice Office of Justice Programs Grant for the Weed and Seed Initiative" was approved at 7:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None.

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Absent: None.

Ordinance #12379

SUBJECT: CALENDAR YEAR 2002 BENEFITS RECOMMENDATIONS

Council Member Hill spoke in support of the City going back to 70%/30% split effective with the renewal date of January 2002 for dependent health care.

Several Council Members spoke in support of the Manager's recommendation to delay the 70% City/30% employee cost for share dependent care until July 2002 as a part of the comprehensive review of all benefits.

A motion was made by Council Member Larson seconded by Mayor Pro Tempore Clement to approve the item as printed on the agenda; and

To approve the 70% City/30% employee cost share for dependent care to be implemented July 1, 2002.

Mayor Tennyson noted that he would be voting against this motion because Council raised the pay for City employees this year.

Council discussion was held on the increase rate to City employees.

a. Fully Insured Point of Service Health Care Plans - WellPath - CIGNA

- 1) **MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to authorize the City Manager to execute a contract with WellPath to provide a fully insured point of service health care plan; and
- 2) To authorize the City Manager to execute a contract with CIGNA to provide a fully insured point of service health care plan was approved at 7:34 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: Mayor Tennyson and Council Member Hill. Absent: None.

b. Mental Health Plan - Duke Occupational Mental Health Services

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to authorize the City Manager to execute a contract with Duke Occupational Mental Health Services to provide administrative services for the Employee Assistance Program and Mental Health and Substance Abuse Care Plan was approved at 7:34 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: Mayor Tennyson and Council Member Hill. Absent: None.

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c. Dental Care Plan - Delta Dental of North Carolina

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to authorize the City Manager to execute a contract with Delta Dental of North Carolina to provide administrative services for the City's self funded dental plan was approved at 7:34 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: Mayor Tennyson and Council Member Hill. Absent: None.

d. Flex Spending Accounts and Voluntary Benefits - Colonial Life Insurance Company

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to authorize the City Manager to execute a contract with Colonial Life Insurance Company to provide the administration of the flexible spending accounts and to provide selected employee paid insurance plans was approved at 7:34 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: Mayor Tennyson and Council Member Hill. Absent: None.

e. Term Life Insurance and Auto Insurance - MetLife

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to authorize the City Manager to execute a contract with MetLife to provide a term life insurance plan and property and casualty insurance plans was approved at 7:34 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: Mayor Tennyson and Council Member Hill. Absent: None.

f. Group Universal Life Insurance - North Carolina Mutual

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to authorize the City Manager to execute a contract with North Carolina Mutual to provide an employee paid voluntary group universal life insurance plan was approved at 7:34 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: Mayor Tennyson and Council Member Hill. Absent: None.

g. Long Term Care Plan - TransAmerica

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to authorize the City Manager to execute a contract with TransAmerica to provide an employee paid long term care insurance plan was approved at 7:34 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: Mayor Tennyson and Council Member

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Hill. Absent: None.

[EMPLOYEE COST SHARE FOR DEPENDENT CARE]

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to approve the 70% City/30% Employee cost share for dependent care to be implemented beginning July 1, 2002 was approved at 7:34 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: Mayor Tennyson and Council Member Hill. Absent: None.

[ADDITIONAL ITEM ADDED TO THE AGENDA]

SUBJECT: REQUEST FOR AUTHORITY TO INCREASE HOTEL/MOTEL (OCCUPANCY) TAX

City Manager Conner made comments about the memo distributed to Council dated September 4, 2001 concerning the request for authority to increase hotel/motel (occupancy) tax from 5% to 6%.

Also, she noted the Durham Legislative Delegation would be available Friday morning for discussion on this matter with City and County officials; commented on the discussion with the DCVB noting they would like for the City to commit to pursuing the authorization to levy a 1% tax for prepared meals. Also, she noted the 1% levies about \$1.4 million and would be short some portion in covering the full debt service. This proposal is premised on the fact that sometime in the future there would be a prepared meals tax to cover the full debt service.

A motion was made by Council Member McKissick seconded by Council Member Burnette to send a resolution to the General Assembly requesting authority to increase the occupancy tax by 1% [from 5% to 6%].

Mayor Tennyson noted that he would like to support a motion that includes a restatement of Council's previous request for a prepared meals tax.

A substitute motion was made by Mayor Pro Tempore Clement seconded by Council Member Larson to pursue the adoption of a prepared meals tax, along with asking the Legislative Delegation to allow imposing the 1% increase in the occupancy tax from 5% to 6%.

Council Member Burnette spoke in opposition to including the prepared meals tax because the delegation would not support it.

A substitute to the substitute motion was made by Council Member Burnette seconded by Council Member Wagstaff to seek authority for a fine meals tax, along with the occupancy tax.

Council Member Stith expressed concern regarding the gap in funding, where the additional revenue would come from, the economic impact of SFX Theatre and referendum.

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Mayor Tennyson noted for clarification that the referendum is not a part of any of these motions.

City Manager Conner noted relative to the prepared meals tax, that the City would do additional research in terms of what other jurisdictions are doing.

Council Member Hill spoke in support of the delegation looking at each issue separately.

Council Member Blyth made a friendly amendment to the original motion to include referendum language.

Council Member Langley raised a question about the urgency of requesting authority from the legislature and asked the City Manager if the City would be at-risk of losing the SFX Theatre.

City Manager Conner made comments about the City being in a stronger position to begin discussions with SFX. She noted in terms of spurring development downtown, it is critical to consider moving forward while the City has the opportunity.

Council Member Langley expressed a concern about public notification.

City Manager Conner made comments noting there have been numerous discussions among the cultural arts community.

Council Member McKissick noted for clarification that his motion would be to seek authority from the delegation implementing the hotel/motel tax and to further discuss the prepared meals tax issue.

Mayor Tennyson noted that there have been several meetings directly involving hotel representatives and there would be a lot more process involved before the taxpayers vote.

City Manager Conner noted the only action that we are asking the Council tonight to is to move forward with the authority and staff would be bringing back additional information at a later date.

Mayor Tennyson spoke in support of a prepared foods tax noting that it is to restate the fact that Council wants to have a source for cultural funding that is sufficient to accomplish something.

Mayor Pro Tempore Clement expressed concern about seeking a referendum on taxes that may not apply to the citizens of Durham but spoke in support of seeking legislative authority for occupancy and prepared foods taxes.

Council Member Burnette withdrew her substitute to the substitute motion.

City Attorney Henry Blinder briefed Council noting that the hotel/motel tax is levied by the County and they would be the

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governing entity should the General Assembly give Council the authority to increase the occupancy tax. Also, he noted that the original motion and substitute motion refer to taking action by a resolution that Council does not have tonight and to achieve the same effect Council should adopt a motion in view of the time.

SUBSTITUTE MOTION by Mayor Pro Tempore Clement seconded by Council Member Larson to seek authority from the General Assembly Delegation to authorize an additional 1% in the hotel/motel (occupancy tax) from 5% to 6%; and

To pursue adoption of a prepared meals tax as previously requested **FAILED** at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Hill, Jacobs and Larson. Noes: Council Members Blyth, Burnette, Edwards, Langley, McKissick, Stith and Wagstaff.

Council Member Blyth asked Council Member McKissick if he would make a friendly amendment to consider seeking a referendum.

Council Member McKissick did not accept the friendly amendment.

MOTION by Council Member McKissick seconded by Council Member Burnette to seek authority from the General Assembly Delegation to authorize an additional 1% in the hotel/motel (occupancy tax) and to have further discussion in the future regarding the prepared meal tax was approved at 8:08 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Larson, McKissick, Stith and Wagstaff. Noes: Council Members Blyth, Jacobs and Langley. Absent: None.

Council held discussion on having public comment, occupancy tax, prepared meals tax, fine foods tax, SFX Theatre and referendum.

At this time during the meeting, Mayor Tennyson noted a citizen has requested to speak on CONSENT AGENDA ITEM #22-F - [STOP SIGNS - WASHINGTON STREET] which was approved as a part of the Consent Agenda.

SUBJECT: STOP SIGNS - WASHINGTON STREET

MOTION by Mayor Pro Tempore Clement seconded by Council Member Langley to reconsider the action taken on Consent Agenda Item #22-F [STOP SIGNS - WASHINGTON STREET] was approved at 8:09 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

To adopt an ordinance authorizing the installation of stop signs on Washington Street at Trinity Avenue, northwest and southwest corners.

Dr. Anita Keith-Faust, a resident of Trinity Avenue, urged Council

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to reconsider this action to seek input from the neighbors since they were not notified that the stop light would be changed to stop signs.

A motion was made by Council Member Larson seconded by Council Member Blyth to move the item as approved.

SUBSTITUTE MOTION by Mayor Pro Tempore Clement seconded by Council Member Stith to refer this item to the Public Works Committee for additional consideration was approved at 8:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: Council Member Cheek. Absent: None.

There being no further business to come before the City Council, the meeting was adjourned into closed session at 8:12 p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk